

JUDGE COTE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDDY POLANCO and FATIMA POLANCO,

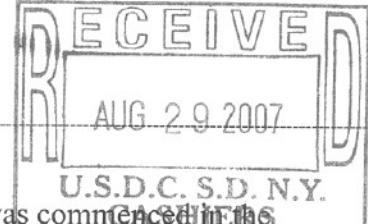
Plaintiff(s)

- against -

YOUNG KIM,

Defendant(s)

## NOTICE OF REMOVAL



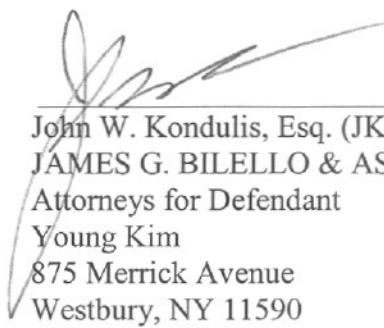
Young Kim, defendant in the above-captioned action which was commenced in the Supreme Court of the State of New York for the County of Bronx, gives notice that he is removing this action from the Supreme Court of the State of New York, County of Bronx, to this Court pursuant to USC Section 1441. The grounds for removal are as follows:

1. A civil action was commenced and is now pending against the defendant in the Supreme Court of the State of New York, County of Bronx, which action is entitled: EDDY POLANCO AND FATIMA POLANCO V. YOUNG KIM.
2. On or about May 14, 2007 the defendant was allegedly served with a summons and complaint, a copy of which is attached herein as Exhibit A. On or about June 14, 2007 defendant Young Kim served and answer to the complaint. (See Exhibit B). On August 13, 2007 the defendant was served with a Response to Supplemental Demand for Relief indicating the amount in controversy is TWO MILLION (\$2,000,000.00) DOLLARS, a copy of which is attached as Exhibit C.
3. The above-described action is a civil action of which this Court has original jurisdiction under 28 USC Section 1332 and is one which may be removed to this Court by the defendant under 28 USC 1332 and 1441 in that:
  - a) Plaintiffs are noted to be listed on the summons as citizens of the State of New York residing at 14 Marcy Place, Bronx, New York.
  - b) Defendant Young Kim is a citizen of New Jersey and resides at 207 Pond Terrace, Washington Township, New Jersey.
  - c) The incident claimed to have caused injury to the defendant is alleged in the complaint to have occurred in the City and State of New York, in the county of Bronx. (See paragraph 6, Exhibit A).
  - d) The amount in controversy herein exceeds Seventy-Five Thousand (\$75,000.00) Dollars exclusive of interest and costs.

4. Accordingly, as the parties are of diverse citizenship and the amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars exclusive of interest and costs, federal jurisdiction is appropriate pursuant to 28 USC Section 1332.

WHEREFORE, the defendant gives notice that the above action now pending against him in Supreme Court of the State of New York of the County of Bronx is removed to this Court.

DATED: WESBURY, NY  
AUGUST 28, 2007



John W. Kondulis, Esq. (JK4978)  
JAMES G. BILELLO & ASSOCIATES (JB7226)  
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TO:

Law Offices of Nelly Stotland & Assoc.  
Attorneys for Plaintiff  
Eddy Polanco  
118-21 Queens Boulevard  
Forest Hills, NY 11375

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDDY POLANCO and FATIMA POLANCO,

Plaintiff(s)

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JAMES G. BILELLO & ASSOCIATES  
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To:

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Attorneys for Plaintiffs Polanco  
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Forest Hills, NY 11375

Due and timely service of a copy of the within NOTICE OF REMOVAL is hereby admitted.  
Dated August 28, 2007  
Attorney(s) for Defendant Young Kim